

Dept.: -C-

By: SGB/VKS/sfb

OSMM&N File No. 196811US0PCT

Serial No. 09/623,596

In the matter of the Application of: Masaaki WACHI, et al.

For: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD
FOR PRODUCING L-GLUTAMIC ACID

Due Date: N/A



The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- PTO Cover Letter
- Petition Under 37 C.F.R. §1.181(a)(3)
- Copy of Information Disclosure Statement filed August 8, 2003
- Copy of Form PTO-1449 filed August 8, 2003
- Copy of Date-stamped Filing Receipt dated August 8, 2003

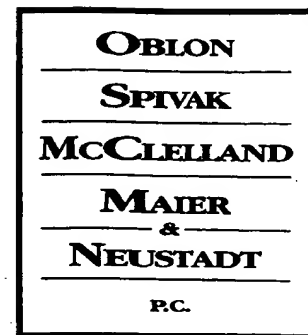


COPY



Docket No.: 196811US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/623,596
Applicants: Masaaki WACHI, et al.
Filing Date: September 5, 2000
For: A GENE CODING FOR PENICILLIN BINDING
PROTEIN AND A METHOD FOR PRODUCING L-
GLUTAMIC ACID
Group Art Unit: 1656
Examiner: Kerr, K.M.

SIR:

Attached hereto for filing are the following papers:

Petition Under 37 C.F.R. §1.181(a)(3)
Copy of Date-stamped Filing Receipt dated August 8, 2003
Copy of Information Disclosure Statement filed August 8, 2003
Copy of Form PTO 1449 filed August 8, 2003

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

COPY

Stephen G. Baxter

Registration No. 32,884

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Vincent K. Shier, Ph.D.
Registration No. 50,552

Docket No.: 196811US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

MASAAKI WACHI ET AL

: EXAMINER: KERR, K.M.

SERIAL NO: 09/623,596

: GROUP ART UNIT: 1656

FILED: SEPTEMBER 05, 2000

: ALLOWED: JULY 11, 2005

FOR: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR
PRODUCING L-GLUTAMIC ACID

PETITION UNDER 37 C.F.R. §1.181(a)(3)

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

Petitioners respectfully request the Office to invoke the supervising authority of the Commissioner and consider Petitioners' Comments on Statement of Reasons for Allowance, concurrently filed herewith, and also indicate that the references cited on the Information Disclosure Statement filed on August 8, 2003, have been considered. Petitioners respectfully request that the Examiner acknowledge consideration of same by providing Applicants with initialed copies of the Form PTO-1449 enclosed herewith listing these references. Petitioners submit herewith a copy of the Information Disclosure Statement as originally filed on August 8, 2003, along a copy of the date-stamped filing receipts evidencing the timely filing thereof.

COPY

For the reasons given above, this petition should be GRANTED.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter, Ph.D.
Registration No. 32,884

Vincent K. Shier, Ph.D.
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Tel: (703) 413-3000

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(OSMMN 08/03)

COPY

Dept.: -C-
By: SGB/VKS/sfb

OSMM&N File No. 196811US0PCT

Serial No. 09/623,596

In the matter of the Application of: Masaaki WACHI, et al.

For: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD
FOR PRODUCING L-GLUTAMIC ACID

Due Date: N/A



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- Copy of Information Disclosure Statement filed August 8, 2003
- Copy of Form PTO-1449 filed August 8, 2003
- Copy of Date-stamped Filing Receipt dated August 8, 2003
- Copy of Cited References (2) filed August 8, 2003

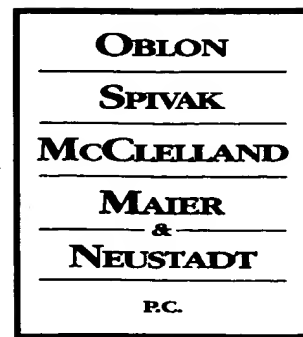


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Docket No.: 196811US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Application Serial No.: 09/623,596
Applicants: Masaaki WACHI, et al.
Filing Date: September 5, 2000
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PROTEIN AND A METHOD FOR PRODUCING L-
GLUTAMIC ACID
Group Art Unit: 1656
Examiner: Kerr, K.M.

SIR:

Attached hereto for filing are the following papers:

Comments on Statement of Reasons for Allowance
Copy of Date-stamped Filing Receipt dated August 8, 2003
Copy of Information Disclosure Statement filed August 8, 2003
Copy of Form PTO 1449 filed August 8, 2003
Copy of Cited References (2) filed August 8, 2003

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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Stephen G. Baxter
Registration No. 32,884

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Vincent K. Shier, Ph.D.
Registration No. 50,552

Docket No.: 196811US0PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF:

:

MASAAKI WACHI ET AL

: EXAMINER: KERR, K.M.

SERIAL NO: 09/623,596

: GROUP ART UNIT: 1656

FILED: SEPTEMBER 05, 2000

: ALLOWED: JULY 11, 2005

FOR: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR
PRODUCING L-GLUTAMIC ACID

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

COMMISSIONER FOR PATENTS
Alexandria, VA 22313-1450

SIR:

Responsive to the Notice of Allowance dated July 11, 2005, Applicants request that the Examiner provide acknowledgment that the references cited on the Information Disclosure Statement filed on August 8, 2003, have been considered. Applicants respectfully request that the Examiner acknowledge consideration of same by providing Applicants with initialed copies of the Form PTO-1449 enclosed herewith listing these references. Accordingly, Applicants submit herewith a copy of the Information Disclosure Statement as originally filed on August 8, 2003, along a copy of the references for which consideration is requested and the date-stamped filing receipts dated evidencing the timely filing thereof.

COPY

An early and favorable indication that the Information Disclosure Statement has been considered is kindly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Stephen G. Baxter, Ph.D.
Registration No. 32,884

Vincent K. Shier, Ph.D.
Registration No.: 50,552

Customer Number

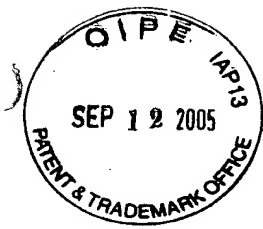
22850

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(OSMMN 08/03)

COPY



LWE

Dept.: PP

OSMM&N File No. 196811US0PCT

By: VKS/shb

Serial No. 09/623,596

In the matter of the Application of: Masaaki WACHI, et al.

For: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD
FOR PRODUCING L-GLUTAMIC ACID

Due Date: 08/15/03

The following has been received in the U.S. Patent Office on the date stamped hereon:

- Dep. Acct. Order Form
- Information Disclosure Statement
- Cited References (3)
- Search Report EUROPEAN
- PTO-1449



COPY

Docket No. 196811US0PCT/shb

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Masaaki WACHI, et al.

SERIAL NO: 09/623,596

FILED: September 5, 2000

RCE FILED: March 17, 2003



GAU: 1652

EXAMINER: Kathleen M. KERR

FOR: A GENE CODING FOR PENICILLIN BINDING PROTEIN AND A METHOD FOR PRODUCING L-GLUTAMIC ACID

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR 1.97

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicant(s) wish to disclose the following information.

REFERENCES

- ☒ The applicant(s) wish to make of record the references cited in the attached European Search Report listed on the attached form PTO-1449. Copies of the listed references are attached, where required, as are either statements of relevancy or any readily available English translations of pertinent portions of any non-English language references.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

RELATED CASES

- ☐ Attached is a list of applicant's pending application(s) or issued patent(s) which may be related to the present application. A copy of the patent(s), together with a copy of the claims and drawings of the pending application(s) is attached along with PTO 1449.
- ☐ A check is attached in the amount required under 37 CFR §1.17(p).

CERTIFICATION

- ☒ Each item of information contained in this information disclosure statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this statement.
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application or, to the knowledge of the undersigned, having made reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this statement.

DEPOSIT ACCOUNT

- ☒ Please charge any additional fees for the papers being filed herewith and for which no check or credit card payment form is enclosed herewith, or credit any overpayment to deposit account number 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McLELLAND,
MAIER & NEUSTADT, P.C.

COPY

Vincent K. Shier, Ph.D.

Registration No. 50,552



22850

Form PTO 1449
(Modified)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

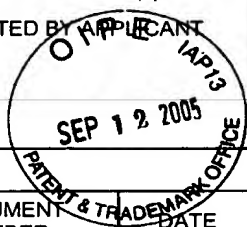
ATTY DOCKET NO.

196811US0PCT

SERIAL NO.

09/623,596

LIST OF REFERENCES CITED BY APPLICANT



APPLICANT

Masaaki WACHI, et al.

FILING DATE

September 5, 2000

RCE Filed: March 17, 2003

GROUP

1652

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	FILING DATE IF APPROPRIATE
	AA	3,080,297	03/05/63	T. PHILLIPS, et al.			
	AB						
	AC						
	AD						
	AE						
	AF						
	AG						
	AH						
	AI						
	AJ						
	AK						
	AL						
	AM						
	AN						

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	TRANSLATION	
					YES	NO
	AO	0 780 477	06/25/97	EUROPE		
	AP					
	AQ					
	AR					
	AS					
	AT					
	AU					
	AV					

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, etc.)

	AW	Database 'Online I', Database Accession no. 006214, pages 1-2, XP-002242344, "DESCRIPTION AND ORIGIN OF THE PROTEIN" July 1, 1997	COPY
	AX		
	AY		
	AZ		

☐ Additional References sheet(s) attached

Examiner

Date Considered

*Examiner: Initial if reference is considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.